

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KSURE OF NEW YORK )  
CORPORATION, )  
                       )  
                       Plaintiff, ) Civil Action No. 13-124E  
                       )  
v.                     ) Judge Cathy Bissoon  
                       )  
RAINEATER, LLC, )  
                       )  
                       Defendant. )

**ORDER**

Plaintiff's Motion for Reconsideration (Doc. 29) of the Court's Memorandum Opinion and Order dated August 15, 2013 (Doc. 26) will be denied.

Plaintiff has failed to demonstrate that the Court committed a clear error of law. Among other things, the Court's August 15<sup>th</sup> ruling explained that Defendant's "extremely brief" delay in appearing on the merits, *i.e.*, the three days between the answer due-date (May 29, 2013) and Defendant's Motion to Set Aside Default Judgment (June 1, 2013), did not establish prejudice. *See id.* at 3-4. Otherwise, the Court finds no reason to disturb Judge McLaughlin's conclusions regarding the existence of meritorious defenses and Defendant's level of culpability. *See generally id.*

Furthermore, the decision of whether to grant or set aside default judgment is left to the discretion of the trial court, and, as was recently explained to an unrepresented litigant, the Court cannot condone legal strategies akin to "'gotcha!'-style litigation, where parties [persist] based on technical errors, [rather than on] the merits of the case." *See Lepre v. ECMC*, Civil Action No. 12-545, Doc. 15 at pp. 5-6 (W.D. Pa. Mar. 25, 2013) (citations to quoted sources omitted);

*see also id.* at p.6 (“[w]hile such [tactics] may comport with common misperceptions . . . regarding how our legal system operates, it does not accurately reflect the serious work of the bench and bar”).

For these reasons, and for all of the reasons stated in the Court’s Memorandum Opinion and Order dated August 15, 2013, Plaintiff’s Motion for Reconsideration (**Doc. 29**) is **DENIED**.

IT IS SO ORDERED.

September 26, 2013

s\Cathy Bissoon

Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record